

REMARKS

Prior to entry of this Amendment:

- Claims **49-62, 70, and 73-80** were pending in the present application
- Claims **70 and 80** stand rejected

Upon entry of this Amendment, which is respectfully requested for the reasons set forth below:

- Claims **49-62, 70, and 73-80** will be pending (21 claims total)
- Claim **70** will be amended
- Claims **49, 61-62, 73, 74 and 80** will be the only independent claims (6 independent claims)

A. Telephone Interview

The Examiner and our representative discussed the Section 101 rejections of Claims **70 and 80**.

Our representative proposed an amendment to Claim **70** to recite *determining, by a processing device, a payment....* The Examiner agreed that the proposed amendment would overcome the Section 101 rejection.

The Examiner stated that the Section 101 rejection of Claim **80** was an error and agreed that Claim **80** is directed to non-statutory subject matter.

Our representative stated that the election/restriction requirement does not seem appropriate and requested clarification as to the basis for the restriction. In particular, our representative noted that some of the now-restricted claims had already been examined and rejected twice, and that no indication had been given as to why examination of all of the pending claims was now deemed unreasonably burdensome.

The Examiner stated that she would consult with another individual at the PTO and then would contact our representative regarding the restriction requirement.

In a follow-up voicemail left on April 5, 2005, the Examiner indicated that she would withdraw the restriction requirement.

The Examiner requested that we submit the proposed amendment to Claim **70** and request reconsideration of the restriction requirement so that it could be withdrawn.

We are grateful to the Examiner for resolving the restriction issue so quickly and for withdrawing the restriction requirement.

B. Section 101 Rejections

Claims **70 and 80** are indicated as not being directed to statutory subject matter.

The Examiner indicated in the Telephone Interview that Claim **80** was inadvertently rejected and is directed to subject matter.

Although we still do not believe such an amendment is necessary for patentability (for at least the reasons stated in our previous response), independent Claim **70** has been amended as proposed in the Telephone Interview. This amendment is made without prejudice and solely in order to expedite allowance of the present application.

C. Election/Restriction Requirement

In a voicemail message left with our representative on April 5, 2005, the Examiner indicated the election/restriction requirement would be withdrawn upon in response to receiving request for reconsideration. We are grateful to the Examiner for withdrawing the restriction requirement.

In order to comply with the instructions of the Election/Restriction Requirement, we provisionally elect Claim **80**. We make this provisional election with traverse. We respectfully request that the Examiner reconsider and withdraw the restriction requirement. As discussed with the Examiner, the Examiner has not provided any indication as to why examination of all claims is now considered unreasonably burdensome, when most of the claims have already been examined at least twice.

D. Authorization to Charge Appropriate Fees

We do not believe that any fees are necessary for this response.

Please grant a petition for any extension of time required to make this Response timely.

If necessary, please charge any appropriate fees necessary per the following information:

Deposit Account: 50-0271

Order No.: 96-108-C2

Please credit any overpayment to the same account.

A duplicate copy of this authorization is enclosed for such purposes.


E. Conclusion

It is submitted that all of the claims are in condition for allowance. The Examiner's early re-examination and reconsideration are respectfully requested.

If the Examiner has any questions regarding this amendment or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at mdowns@walkerdigital.com.

April 8, 2005
Date

Respectfully submitted,



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